HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.697 of 2007

Between:

The Singareni Collieries Company Ltd., represented by its Chairman & Managing Director, Hyderabad and another. … Appellants

And

D. Gyaneshwar and others. … Respondents

:: J U D G M E N T ::

Counsel for the appellants : Ms. V. Uma Devi

5th September, 2007

Per G.S. Singhvi, C.J.

This appeal is directed against order dated 9-4-2007 passed by the learned Single Judge, whereby he disposed of Writ Petition No.13169 of 1997 filed by the respondents for re-fixation of their pay only on the basis of interim order dated 17-3-1998 passed in WPMP.No.15847 of 1997.

Ms. V. Uma Devi argued that the order under challenge is liable to be set aside because the learned Single Judge has not considered the merits of the respondents' claim for re-fixation of their pay.

In the context of the aforementioned argument, we enquired from the learned counsel whether arguments were advanced on behalf of the appellants on the merits of the case set up by the respondents. To this, the learned counsel replied in the affirmative. She emphasised that even though counsel appearing on behalf of the appellants had opposed the claim of the respondents on merits, the

learned Single Judge did not deal with the same and closed the proceedings of the writ petition by treating interim order dated 17-3-1998 as final.

We have gone through the order under challenge and find that the learned Single Judge has not dealt with the claim of the writ petitioners on merits. Therefore, the only remedy available to the appellants is to file a petition for review of the order under challenge and avail the remedy of appeal, if the review petition is not entertained.

With the above observation, the appeal is dismissed with liberty to the appellants to apply for review of the order under challenge.

As a sequel to dismissal of the appeal, WAMP.No.1407 of 2007 filed by the appellants for interim relief is also dismissed.

G.S. SINGHVI, C.J.

5th September, 2007

C.V. NAGARJUNA REDDY, J.

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